

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSHUA VINCENT GRANBY,

MEMORANDUM & ORDER
06-CV-5691(JS)(ARL)

Plaintiffs,

-against-

SUFFOLK COUNTY, et al.,

Defendants.

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APPEARANCES:

For Plaintiff: Joshua Vincent Granby, Pro Se
04R3721
Bare Hill Correctional Facility
Caller Box 20
181 Brand Road
Malone, NY 12953

For Defendants: Brian C. Mitchell, Esq.
Suffolk County Dept. of Law-County Attorney
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, NY 11788

SEYBERT, District Judge:

On October 18, 2006, pro se Plaintiff Joshua Vincent Granby ("Granby"), commenced this action against numerous Defendants. By order dated February 22, 2010, Magistrate Judge Arlene R. Lindsay ordered Granby to show cause why she should not recommend that this case be dismissed for failure to comply with the Court's scheduling Orders and for his failure to prosecute. Judge Lindsay's order was mailed to the Plaintiff at his last-known address at the Bare Hill Correctional Facility, and was returned as undeliverable. The deadline to respond has

since expired. Plaintiff has not communicated with the Court since February 2009, and he has not notified the Court of his current address. Moreover, Granby has also repeatedly failed to comply with the Court's scheduling orders.

On April 15, 2010, having found Plaintiff non-compliant for the last time, Judge Lindsay issued a Report and Recommendation ("R&R") recommending dismissal of the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. As part of the R&R, Judge Lindsay warned that any objections were to be filed with the Clerk of the Court within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court ADOPTS the R&R in its entirety. Accordingly, Granby's Complaint is DISMISED with prejudice for Plaintiff's failure to comply with prior Court Orders and his failure to prosecute this action. The Clerk of the Court is directed to mark this matter closed.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: May 4, 2010
Central Islip, New York